

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

MCRAE LAW FIRM, PLLC

PLAINTIFF

VS.

CIVIL ACTION NO. 3:17-cv-704 (DCB) (LRA)

BARRY WADE GILMER, ET AL.

DEFENDANTS

ORDER

This cause is before the Court on a Petition for Approval to File Consent to Removal (**Doc. 40**) filed on February 27, 2019, by defendant Barry Wade Gilmer individually and on behalf of all named defendants (hereafter "the Gilmer Defendants"). Having carefully considered the defendants' Petition and the applicable law, and being fully advised in the premises, the Court finds as follows:

On July 21, 2016, plaintiff McRae Law Firm, PLLC, filed a Complaint against the Gilmer Defendants in the Chancery Court of the First Judicial District of Hinds County, Mississippi. On August 25, 2017, the Gilmer Defendants filed a Notice of Removal to this Court.

On January 3, 2018, the action was remanded to Hinds County Chancery Court (Doc. 13). This Court retained jurisdiction only over the discrete issues of the amount of just costs owed to the plaintiff and the propriety of a pre-filing injunction sanction under Federal Rule of Civil Procedure 11 (Doc. 13).

On July 26, 2018, the Court granted the plaintiff's motion for recovery of costs and fees in the amount of \$5,491.40, representing

the just costs and actual expenses, including attorney fees, plaintiff had incurred as a result of defendants' objectively unreasonable removal of this case from the Chancery Court of the First Judicial District of Hinds County.

In the present motion, styled a "Petition for Approval to File Consent to Removal" (**Doc. 40**), the Gilmer Defendants seek this Court's approval for their consent to a "removal notice" served on them on January 15, 2019. The docket in this case does not reflect any removal notice served on the Gilmer Defendants on January 15, 2019, nor do the Gilmer Defendants show that they are entitled to the relief requested.

Accordingly,

IT IS HEREBY ORDERED that the Gilmer Defendants' Petition for Approval to File Consent to Removal (**Doc. 40**) filed on February 27, 2019, is DENIED.

SO ORDERED, this the 6th day of May, 2019.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE